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as Co-Trustees of the Horner Family Trust  
7

8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10

11 In Re:

12 GEORGE GORDON STRONG III,

13 Debtor.  
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19  
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Case No. 2:22-bk-13069-NB

Chapter 13

**MICHAEL HORNER AND THOMAS  
HORNER, AS CO-TRUSTEES OF THE  
HORNER FAMILY TRUST'S  
PRELIMINARY OBJECTION AND  
RESERVATION OF RIGHTS RE  
DEBTOR'S CHAPTER 13 PLAN;  
DECLARATION OF SONIA SINGH IN  
SUPPORT THEREOF**

Date: August 4, 2022

Time: 9:30 a.m.

Pace: Courtroom 1545

255 E. Temple Street

Los Angeles, California 90012

22 Creditors Michael Horner and Thomas Horner, as Co-Trustees of the Horner Family Trust  
23 (collectively, "Horner") submit this preliminary Objection and Reservation of Rights to the  
24 Chapter 13 Plan (*docket no. 7*) (the "Plan") filed by George Gordon Strong III, the Chapter 13  
25 debtor (the "Debtor"), and respectfully state as follows:

26 **BACKGROUND**

27 The Debtor filed his Plan on June 1, 2022. Currently, objections to the Debtor's Plan are  
28 due on July 21, 2022, and the plan confirmation hearing is set on August 4, 2022 at 9:30 a.m. On

17501.1:10666420.2

1 or about June 3, 2022, Horner filed his Motion for Relief from Stay (*docket no. 16*) (the “Relief  
2 from Stay Motion”) in order to proceed to trial on claims against the Debtor and the Debtor’s  
3 business entity, Strong Wealth Management LLC in the action entitled *Michael Horner and*  
4 *Thomas Horner as Co-Trustees of the Horner Family Trust v. Strong Wealth Management LLC;*  
5 *George G. Strong III*, pending as Case No. 21STCV17667 in the Superior Court of the State of  
6 California, County of Los Angeles (the “State Court Action”). The Court granted the Relief from  
7 Stay Motion in its Order entered on June 16, 2022 (*docket no. 32*). Currently, trial in the State  
8 Court Action is set to begin on August 22, 2022.

9 At Debtor’s 341(a) meeting of creditors on July 1, 2022, counsel for Horner and the Debtor  
10 agreed for Horner’s counsel to conduct a Rule 2004 examination of the Debtor, and for the Debtor  
11 to produce documents to enable Horner’s counsel to examine the Debtor under Rule 2004. The  
12 parties filed their Stipulation for Rule 2004 Examination of Debtor George Gordon Strong III  
13 (*docket no. 38*) on July 20, 2022, which the Court approved in its Order entered on July 21, 2022  
14 (*docket no. 40*). Currently, the Debtor has been ordered to produce documents by August 5, 2022,  
15 and the Debtor’s 2004 examination is set for August 12, 2022. Given the upcoming production of  
16 documents and 2004 examination, the parties have agreed to continue the Debtor’s plan  
17 confirmation hearing, and the deadline for Horner’s objection thereto, for a period of not less than  
18 30 days.

19 Counsel for the Chapter 13 trustee advised on July 21, 2022 that she does not oppose the  
20 continuance of the plan confirmation hearing so long as Debtor is current with his plan payments.  
21 Out of an abundance of caution, in the event that the confirmation hearing is not continued, Horner  
22 submits the within preliminary objection and reservation of rights in regard to the Debtor’s Plan.

23 **PRELIMINARY OBJECTION**

24 Horner objects to the confirmation of the Plan for the reasons stated in the Chapter 13  
25 Trustee’s objections filed on July 6, 2022 (*docket no. 36*) and hereby incorporates such objections  
26 herein. Moreover, Horner preliminarily objects to confirmation of the Plan pursuant to 11 U.S.C.  
27 § 1325(a)(7) based on the Debtor’s lack of good faith in filing his bankruptcy petition, and 11  
28 U.S.C. § 109(e) because the Debtor’s debts exceed the limits placed by Chapter 13.

**RESERVATION OF RIGHTS**

As discussed above, the Debtor has been ordered to produce documents and appear for a 2004 examination by Horner's counsel. Therefore, at this juncture, Horner objects to confirmation of the Plan on a preliminary basis, and expressly reserves all rights to supplement the preliminary objections stated herein, and to raise further objections, after the Debtor produces documents and attends his 2004 examination.

**CONCLUSION AND REQUEST FOR RELIEF**

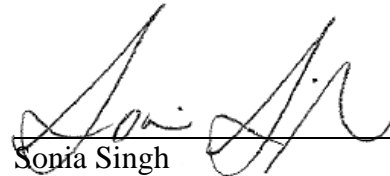
Horner respectfully requests that the Court continue the Debtor's plan confirmation hearing, and the deadline for Horner's objection thereto, for a period of not less than 30 days.

DATED: July 21, 2022

ERVIN COHEN & JESSUP LLP

Byron Z. Moldo  
Sonia Singh

By:

  
Sonia Singh

Attorneys for Michael Horner and Thomas Horner  
as Co-Trustees of the Horner Family Trust

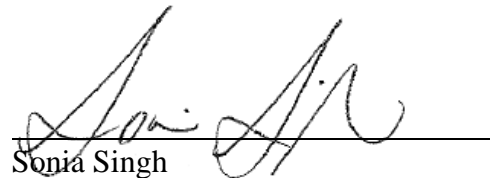
**DECLARATION OF SONIA SINGH**

I, Sonia Singh, declare and state as follows:

1. I am an attorney duly licensed in the State of California and entitled to practice before this Court and am an associate of the law firm Ervin Cohen & Jessup LLP, attorneys of record for creditors Michael Horner and Thomas Horner, as Co-Trustees of the Horner Family Trust (“Horner”). I make this declaration in support of the above Preliminary Objection and Reservation of Rights Re Debtor’s Chapter 13 Plan. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so.

2. On July 21, 2022, I sent an email to counsel for the Chapter 13 Trustee requesting a continuance of the plan confirmation hearing currently set on August 4, 2022, in light of Horner’s stipulation with George Gordon Strong III, the Chapter 13 debtor (the “Debtor”) for the Debtor’s 2004 examination. Counsel for the Chapter 13 trustee advised that she does not oppose the continuance of the plan confirmation hearing, so long as Debtor is current with his plan payments.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 21, 2022, at Los Angeles, California.

  
Sonia Singh

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, California 90212

A true and correct copy of the foregoing document entitled **MICHAEL HORNER AND THOMAS HORNER, AS CO-TRUSTEES OF THE HORNER FAMILY TRUST'S PRELIMINARY OBJECTION AND RESERVATION OF RIGHTS RE DEBTOR'S CHAPTER 13 PLAN; DECLARATION OF SONIA SINGH IN SUPPORT THEREOF** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **July 21, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Kathy A Dockery (TR) EFiling@LATrustee.com  
Sevan Gorginian sevan@gorginianlaw.com, 2486@notices.nextchapterbk.com; ani@gorginianlaw.com  
Byron Z Moldo bmoldo@ecjlaw.com, amatsuoka@ecjlaw.com, sgaeta@ecjlaw.com  
Sonia Singh ssingh@ecjlaw.com, amatsuoka@ecjlaw.com, sgaeta@ecjlaw.com  
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov  
Jennifer C Wong bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On -- I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

n/a

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **July 21, 2022** I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA EMAIL:** KMurphy@LATrustee.com  
Kaleen Murphy, Esq.  
Staff Attorney - Office of the Chapter 13 Trustee, Kathy A. Dockery  
801 S. Figueroa Street, Suite 1850  
Los Angeles, CA 90017

**VIA FEDEX**

Honorable Neil W. Bason  
United States Bankruptcy Court - Central District of California  
Edward R. Roybal Federal Building and Courthouse  
255 E. Temple Street, Suite 1552 / Courtroom 1545  
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 21, 2022  
Date

Angela Antonio  
Printed Name

Angela Antonio  
Signature

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.